

other about what American families actually need and what actually works. We could create targeted, thoughtful bills that didn't rely on budget gimmicks or party lines to pass.

So we can't let our Democratic colleagues fool Americans. Their Build Back Better bill isn't making American families better. It is not helping Americans who are suffering from mental health issues. It is not helping our country's drug addiction problems. It is an anti-family bill that will make our country more dependent on Big Government, and it is spending money the wrong way.

I yield the floor.

JUDICIAL NOMINATIONS

Mr. DURBIN. Mr. President, I rise today to speak on three highly qualified judicial nominees: Judge Lucy Koh, nominated to the Ninth Circuit; Jennifer Sung, also nominated to the Ninth Circuit; and Samantha Elliott, nominated to the District of New Hampshire.

These nominees will bring much-needed professional and demographic diversity to the bench. They have the qualifications and character needed to serve effectively in the Judiciary. And all three have records that demonstrate an evenhanded and unbiased approach to the law.

Judge Lucy Koh has served as a district court judge for the Northern District of California for more than a decade. When President Obama nominated her to that role in 2010, she was confirmed in the Senate with broad, bipartisan support, a 90-0 margin. That unanimous support reflected Judge Koh's abilities and experience and also a deep sense of trust that that she would be ready to take on the demands of the Federal district court from day 1.

Well, Judge Koh has certainly risen to the occasion. As a district court judge, she has issued thousands of written opinions. And she has presided over 271 trials. Notably, Judge Koh has grappled with many complex—and often novel—questions of law, particularly those related to technology. These are the kinds of questions that regularly make their way to the circuit courts. So we know that Judge Koh is already wellversed in the types of cases she will encounter on the Ninth Circuit.

What is more, during her time on the bench, Judge Koh has exemplified the hallmarks of what makes an outstanding judge. She engages in thoughtful, well-reasoned analysis; follows precedent, irrespective of whether she agrees with it; and always—always—applies the law to the facts in an evenhanded, impartial way.

Judge Koh was rated unanimously “well qualified” by the American Bar Association to serve on the circuit court. And upon confirmation, she will be the first Korean-American woman to ever serve on a circuit court.

Judge Koh received a bipartisan vote in the Judiciary Committee, and I hope

she receives bipartisan support here on the floor.

The Senate will also be voting on Jennifer Sung's nomination to the Ninth Circuit. Ms. Sung is a distinguished jurist who will bring a vital, and underrepresented, perspective to the Federal bench.

After graduating from Yale Law School and clerking on the Ninth Circuit, Ms. Sung spent over a decade representing American workers in labor disputes. These workers were often minorities from low-income backgrounds. In 2017, Ms. Sung's expertise in labor law attracted the attention of Oregon Governor Kate Brown, who appointed her to serve on the Oregon Employment Relations Board.

The ERB, as it is called, is a quasi-judicial agency charged with resolving labor disputes. As a member of the three-person panel, Ms. Sung reviews evidentiary records, independently evaluates the law, and works in a collaborative manner to reach a consensus on opinions. In other words, she has already handled many of the responsibilities that come with being a Circuit Court Judge. So Ms. Sung will be right at home on the Ninth Circuit.

In addition to the professional diversity Ms. Sung will bring to the bench as an expert in labor law, she will also bring important demographic diversity. If confirmed, she would make history as the first Asian-American woman to hold an Oregon seat on the Ninth Circuit.

Ms. Sung has presided over hundreds of legal matters—only three of which have been overturned. She has demonstrated a commitment to impartiality, a thoughtful approach to decision-making, and a keen ability to separate her personal views from the law and the facts at hand. That is also reflected by the fact that the American Bar Association rated Ms. Sung as “well qualified.”

Finally, the Senate will soon take up Samantha Elliott's nomination to the District of New Hampshire. Ms. Elliott has spent her entire legal career in New Hampshire. With her deep knowledge of the State's legal system and her evenhanded approach to the law, she will make an outstanding Federal judge.

Ms. Elliott is an accomplished litigator who has spent much of her career representing New Hampshire municipalities and their employees. She has also dedicated herself to increasing access to justice. As a co founder of 603 Legal Aid, Ms. Elliott has worked tirelessly to provide legal services to members of low-income communities. And she has dedicated countless hours to her pro bono legal work.

With her considerable experience in both State and Federal courts, it is little surprise that Ms. Elliott was unanimously rated as “well qualified” by the American Bar Association. She also received a bipartisan vote of 15-7 in the Judiciary Committee.

I urge all of my colleagues to join me in supporting these three highly quali-

fied nominees. With their breadth of credentials, experience, and commitment to the rule of law, each of them will make outstanding additions to the Federal bench.

The PRESIDING OFFICER. The Senator from California.

NOMINATION OF LUCY HAERAN KOH

Mr. PADILLA. Mr. President, I rise today in support of the nomination of Judge Lucy Koh to the United States Court of Appeals for the Ninth Circuit. Judge Koh is an outstanding legal thinker and a trailblazing public servant. Her commitment to equal justice for all has earned her support on both sides of the aisle. From her first judicial appointment by former California Governor Arnold Schwarzenegger to her unanimous Senate confirmation to serve as a Federal district judge in California, to her strong bipartisan advancement recently from the Senate Judiciary Committee for this appointment, Judge Koh has a reputation for excellence that stretches far and wide.

She built this reputation over the course of a stellar legal career that started right here in this Senate, as a women's law and public policy fellow with the Senate Judiciary Committee. She then spent 7 years with the U.S. Department of Justice, earning numerous accolades for her work, including an FBI award for excellence in prosecuting major fraud.

From the Department of Justice, Judge Koh made her way to California—to Silicon Valley, specifically—where she made a name for herself as an expert litigator on intellectual property cases.

In 2008, Governor Schwarzenegger, as I mentioned, appointed her to the California Superior Court. Just 2 years later, President Obama nominated Judge Koh to the Federal District Court bench, and she was confirmed unanimously by this Senate. And in the decade since, Judge Koh has gone on to distinguish herself as a jurist. She is well known, not only in her district but across the country as talented, thoughtful, smart, and fair.

This nomination is actually her second nomination to the Ninth Circuit. In 2016, she was nominated and advanced out of the Senate Judiciary Committee at that time on a bipartisan basis but, unfortunately, never received a floor vote in this Senate.

But now that we have this vote scheduled, I hope that my colleagues will join me in voting to confirm Judge Koh on a strong bipartisan vote once again. I know the people of California, the Ninth Circuit, and the country at large will benefit from her dedication, her integrity, and compassion as a circuit court judge.

In many ways, the story that Judge Koh brings to the bench is the epitome of the American Dream. The daughter of Korean immigrants who fled communism and dictatorship in search of a better life, Judge Koh was born in Washington, DC, and raised in Vicksburg, MI. And growing up, Judge Koh

studied at public schools and was no stranger to poverty and discrimination.

She spent weekends and summers working in her father's small business, and she was surrounded by the love and lessons of her immigrant family. Now, these experiences all helped to shape the unique and needed perspectives that she now brings as a Federal judge. If confirmed, Judge Koh will become the first Korean-American woman to serve on a Federal circuit court.

Now, as the first Latino to represent California here in this Senate, I know the importance of diversity at all levels of government, and that includes the judiciary. Our country is stronger and fairer when we are guided by the voices and experiences of all of our people. And we still have a lot of work to remake our justice system to better reflect the country that it serves.

Based on Judge Koh's record, her skill, intellect, and respect for the rule of law, her confirmation is a big step in helping us achieve that goal.

I urge my colleagues to join me in voting to confirm her to the Ninth Circuit.

I yield the floor.

EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the nomination, which the clerk will report.

The legislative clerk read the nomination of Lucy Haeran Koh, of California, to be United States Circuit Judge for the Ninth Circuit.

VOTE ON KOH NOMINATION

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the Koh nomination?

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE), the Senator from Wyoming (Mr. LUMMIS), the Senator from Kansas (Mr. MORAN), the Senator from Florida (Mr. RUBIO), and the Senator from North Carolina (Mr. TILLIS).

The result was announced—yeas 50, nays 45, as follows:

[Rollcall Vote No. 494 Ex.]

YEAS—50

Baldwin	Feinstein	Markey
Bennet	Gillibrand	Menendez
Blumenthal	Hassan	Merkley
Booker	Heinrich	Murphy
Brown	Hickenlooper	Murray
Cantwell	Hirono	Ossoff
Cardin	Kaine	Padilla
Carper	Kelly	Peters
Casey	King	Reed
Coons	Klobuchar	Rosen
Cortez Masto	Leahy	Sanders
Duckworth	Lujan	Schatz
Durbin	Manchin	Schumer

Shaheen
Sinema
Smith
Stabenow

Tester
Van Hollen
Warner
Warnock

Warren
Whitehouse
Wyden

NAYS—45

Barrasso
Blackburn
Blunt
Boozman
Braun
Burr
Capito
Cassidy
Collins
Cornyn
Cotton
Cramer
Crapo
Cruz
Daines

Ernst
Fischer
Graham
Grassley
Hagerty
Hawley
Hoeven
Hyde-Smith
Johnson
Kennedy
Lankford
Lee
Marshall
McConnell
Murkowski

Paul
Portman
Risch
Romney
Rounds
Sasse
Scott (FL)
Scott (SC)
Shelby
Sullivan
Thune
Toomey
Tuberville
Wicker
Young

NOT VOTING—5

Inhofe
Lummis

Moran
Rubio

Tillis

The nomination was confirmed.

(Mr. WHITEHOUSE assumed the Chair.)

The PRESIDING OFFICER (Mr. HEINRICH). Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

The Senator from Rhode Island.

UNANIMOUS CONSENT REQUEST—EXECUTIVE CALENDAR

Mr. WHITEHOUSE. Mr. President, I am here on the floor to ask for some courtesy for a pair of nominees. These are nominees to the Court of Federal Claims, which is the court to which citizens can come with claims against the Federal Government.

In the Court of Federal Claims, the Federal Government is the defendant, and these two individuals are in an enormous traffic jam that our colleagues have created for nominees. At the moment, I am told we have 159 nominees, out of committee, on the Executive Calendar, backed up on the Senate floor—159.

I am on the Judiciary Committee. These two are judges. They are for the Court of Federal Claims. This is not a partisan thing; this is about letting the Court of Federal Claims do its work.

Both of them are extremely well qualified; neither is partisan. Both were voice voted out of the Judiciary Committee, and I would hope, just as a matter of courtesy and common decency, we could agree tonight to move them forward.

Now, one of them is named Armando Bonilla. He served as the counsel to the Marshals Service. He served as counsel to the Deputy Attorney General.

He served, actually, as Associate Deputy Attorney General. In the Department of Justice it is not an easy thing to move up from being counsel to the Marshals Service to being counsel to the DAG, to being Associate DAG. So that is a pretty impressive record.

Before that, as a trial attorney, he had served in the Public Integrity Section of the Department, in the asset forfeiture and money laundering section, bringing those cases, and in the civil side in the Commercial Litigation Division.

So he has the trial qualifications you would want. He has the experience from the government side that you would want. He got a voice vote out of committee. And if that is not enough, he is a graduate from West Virginia University.

So he is, I think, a very well-rounded individual who would serve well in the Court of Federal Claims.

Also, I will be asking to confirm Carolyn Lerner, who brings her own superb qualifications to this position as well. She is, right now, the chief circuit mediator for the Court of Appeals for the DC Circuit. So she deals with litigation conflicts all the time. She obviously is viewed with considerable regard by the court who made her their chief circuit mediator.

She served for many years in private practice. So she would be very familiar with the private practice of individuals who come before the Court of Federal Claims. Again, private person versus Federal Government is what that court's business is. And she even taught law.

So Carolyn Lerner and Armando Bonilla are both very well qualified, and both came out of the Judiciary Committee with voice votes, which means they both had bipartisan support, and this is an important court to proceed with.

Now, what has happened here and the reason we are now up to 159 backed-up nominees for executive and judicial positions is that our colleagues on the other side are insisting on cloture for essentially almost every individual who comes through, and that eats up time on the Senate floor and slows things down and creates a traffic jam. It is like you are driving on Highway 95 and you pull into the middle lane and drive 25 miles an hour. You are going to jam up traffic behind you. And that is what our friends are doing. They are jamming up traffic.

I think there are certain Members of the other party who would like to see the Biden administration not be able to get his team in place just for partisan reasons.

So when Donald Trump came in, in his first year, he was obviously not popular with us on our side, and he had some pretty appalling appointments. But even in that very hostile environment, the Republican leader only had to file cloture for 65 appointees—65 in that first year. In President Biden's year, we are already at 127. So the cloture rate has doubled from even that very difficult, challenging year when Trump first came in.

And I see my friend from Alaska here. So I will just review the bidding. We have 159 nominees backed up on the Senate floor who are all out of committee, all ready for votes, many of whom are coming out of committee by voice votes with big bipartisan majorities. Two of them are the individuals whom I am going to be asking unanimous consent to confirm tonight, Armando Bonilla and Carolyn Lerner.